

Introduced by Senator Lowenthal

February 22, 2008

An act to amend Section 4463 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1720, as introduced, Lowenthal. Clean Air Sticker: misuse: penalties.

(1) Existing law makes it a felony for any person to forge, counterfeit, or falsify, or utter, publish, pass, or attempt to pass, as true and genuine, any false, altered, forged, or counterfeited certificate of ownership, disabled person placard, registration card, special license plate, or permit, among other documents, issued under the Vehicle Code. Existing law also makes it a misdemeanor for any person, with intent to prejudice, damage, or defraud, to acquire, possess, sell, or offer for sale a genuine or counterfeited disabled person placard.

This bill would apply similar provisions to a "Clean Air Sticker," as defined, the violation of which would be an infraction punishable by a fine of not less than \$100 for a first offense, a fine of not less than \$250 for a 2nd offense, and a fine of not less than \$500 for a 3rd or subsequent offense. The bill would require that the penalty imposed not be suspended. By creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4463 of the Vehicle Code is amended to
2 read:

3 4463. (a) ~~Every~~A person who, with intent to prejudice,
4 damage, or defraud, commits any of the following acts is guilty
5 of a felony and upon conviction thereof shall be punished by
6 imprisonment in the state prison for 16 months; *or* two or three
7 years, or by imprisonment in ~~the~~ a county jail for not more than
8 one year:

9 (1) Alters, forges, counterfeits, or falsifies ~~any~~ a certificate of
10 ownership, registration card, certificate, license, license plate,
11 device issued pursuant to Section 4853, special plate, or permit
12 provided for by this code or ~~any~~ a comparable certificate of
13 ownership, registration card, certificate, license, license plate,
14 device comparable to that issued pursuant to Section 4853, special
15 plate, or permit provided for by any foreign jurisdiction, or alters,
16 forges, counterfeits, or falsifies the document, device, or plate with
17 intent to represent it as issued by the department, or alters, forges,
18 counterfeits, or falsifies with fraudulent intent ~~any~~ an endorsement
19 of transfer on a certificate of ownership or other document
20 evidencing ownership, or with fraudulent intent displays or causes
21 or permits to be displayed or have in his or her possession ~~any~~ a
22 blank, incomplete, canceled, suspended, revoked, altered, forged,
23 counterfeit, or false certificate of ownership, registration card,
24 certificate, license, license plate, device issued pursuant to Section
25 4853, special plate, or permit.

26 (2) Utters, publishes, passes, or attempts to pass, as true and
27 genuine, ~~any~~ a false, altered, forged, or counterfeited matter listed
28 in ~~subdivision (a)~~ paragraph (1) knowing it to be false, altered,
29 forged, or counterfeited.

30 (b) ~~Every~~A person who, with intent to prejudice, damage, or
31 defraud, commits any of the following acts is guilty of a
32 misdemeanor, and upon conviction thereof shall be punished by
33 imprisonment in ~~the~~ a county jail for six months or by a fine of
34 not less than five hundred dollars (\$500) or more than one thousand

dollars (\$1,000), or by both that fine and imprisonment, which penalty shall not be suspended:

(1) Forges, counterfeits, or falsifies ~~any~~ a disabled person placard or ~~any~~ a comparable placard relating to parking privileges for disabled persons provided for by ~~any~~ a foreign jurisdiction, or forges, counterfeits, or falsifies ~~any~~ a disabled person placard with intent to represent it as issued by the department.

(2) Passes, or attempts to pass, as true and genuine, ~~any~~ a false, forged, or counterfeit disabled person placard knowing it to be false, forged, or counterfeited.

(3) Acquires, possesses, sells, or offers for sale a genuine or counterfeit disabled person placard.

(c) ~~Every~~—A person who, with fraudulent intent, displays or causes or permits to be displayed any forged, counterfeit, or false disabled person placard, is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in ~~the~~ a county jail for six months or by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or by both that fine and imprisonment, which penalty shall not be suspended.

(d) For purposes of subdivision (b) or (c), “disabled person placard” means a placard issued pursuant to Section 22511.55 or 22511.59.

(e) *Every person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of an infraction, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) for a first offense, not less than two hundred fifty dollars (\$250) for a second offense, and not less than five hundred dollars (\$500) for a third or subsequent offense, which penalty shall not be suspended:*

(1) *Forges, counterfeits, or falsifies any Clean Air Sticker or any comparable clean air sticker relating to high occupancy vehicle lane privileges provided for by any foreign jurisdiction, or forges, counterfeits, or falsifies any Clean Air Sticker with intent to represent it as issued by the department.*

(2) *Passes, or attempts to pass, as true and genuine, any false, forged, or counterfeit Clean Air Sticker knowing it to be false, forged, or counterfeited.*

(3) *Acquires, possesses, sells, or offers for sale a counterfeit Clean Air Sticker.*

1 (4) *Acquires, possesses, sells, or offers for sale a genuine Clean*
2 *Air Sticker separate from the vehicle for which the department*
3 *issued that sticker.*

4 (f) *As used in this section, “Clean Air Sticker” means a label*
5 *or decal issued pursuant to Sections 5205.5 and 21655.9.*

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.